REMARKS

The non-final Office Action dated December 21, 2005 has been received and its contents carefully studied. Claims 1-25 are pending, and all claims stand rejected, including the independent claims 1 and 13. Applicant now amends independent claims 1 and 13 to distinguish the invention from the cited references, primarily by incorporating limitations of claim 11. Applicant respectfully submits that the main reference *Morriss et al.*, and the other cited references do not teach the claimed invention in light of these amendments.

With this response, claim 25 is amended to change its dependency, claims 4 and 16 are amended so they are in independent form, claims 11, 22 and 23 are cancelled, claim 10 is amended to include encryption limitations, and the remaining claims are unchanged. All amendments are supported by the specification as originally filed.

Specifically, the amendments to claims 1 and 13 are supported by page 4, lines 18-20 of the application as filed, where it states that data may be first uploaded prior to its deletion from the mobile terminal. The amendments to claims 1 and 13 also incorporate the limitations of claims 11, 22 and 23, which Applicant respectfully submits are not disclosed or suggested by the prior art. The amendment to claim 10 is supported by page 4, line 20 of the application as filed.

According to the non-final Office Action, claims 1, 7, 12-13 and 19 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Morriss et al* (U.S. Pat. Appl. 2004/0203601). Claims 2 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morriss* in view of *Randall et al* (U.S. Pat. Appl. 2005/0169446). Claims 3 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morriss* in view of *Rao et al* (U.S. Pat. Appl. 2004/0083472). Claims 4 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morriss* in view of *Holmes* (U.S. Pat. No. 5,935,219). Claims 5-6 and 17-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morriss*. Claims 8 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morriss* in view of *Isaksson* (U.S. Pat. No. 6,865,232). Claims 9 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morriss* in view of *Isaksson*, and in further view of *Helle* (Euro. Pat. No. 1,170,969).

Claims 10 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morriss* in view of *Cocita* (U.S. Pat. Appl. 2004/0204021). Claims 11, 23 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morriss* in view of *Cocita*, and in further view of *Slate* (U.S. Pat. Appl. 2005/0144251). Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morriss* in view of *Kim et al.* (U.S. Pat. Appl. 2005/0239477). For the reasons explained below, Applicant respectfully submits that the amended claims should no longer be rejected.

Brief Summary of the Amended Independent Claims

Amended independent claim 1 is a method for increasing security of a mobile terminal that has been lost, stolen, or misplaced by a user, in which a guard message is received at the mobile terminal, the message is authenticated, the communication capability of the mobile terminal is locked, and at least some data is secured through destruction of the data after at least some data has been uploaded from the mobile terminal. Amended independent claim 13 is a mobile terminal capable of carrying out the steps recited in amended claim 1. These independent claims cover a similar inventive concept, and the amendment incorporates similar limitations into each independent claim. Therefore, when this response discusses the patentability of claims 1 and 13 it is sufficient to focus on claim 1.

Claims 4 and 16 are amended, and are now in independent form. Amended independent claim 4 is similar to amended independent claim 1, except that it includes the additional limitation that the guard message employs synchronization markup language device manage if the mobile device can support a message in that format. If the mobile device does not support that format the guard message employs either a smart message implemented as a bearer-independent object or wireless access protocol push messaging. Amended independent claim 16 is a mobile terminal capable of implementing the method of amended claim 4. These independent claims cover a similar inventive concept. Therefore, when this response discusses the patentability of claims 4 and 16 it is sufficient to focus on claim 4.

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Brief Summary of the Primary References

Morriss teaches a method and apparatus for activating a restrictive operating mode of a wireless communication device. In *Morriss*, when the device is lost or stolen, a remote device is used to send a message to the wireless device, where upon receipt and verification of the message, the wireless device places itself in a restrictive operating mode. Page 9 of the Office Action states that *Morriss* fails to teach about uploading part of the stored data.

Slate teaches a system and method of providing data files, such as application software, to a mobile telephone. *Holmes* concerns the transfer of messages between objects, consisting of data and the computer code that manipulates that data, within a computer program, and a message filter that chooses the most appropriate path to transmit the messages.

Amended Claim 1 is Patentable Over the Cited References

The limitations of dependent claim 11 are now incorporated into claim 1 by amendment. Amended claim 1 is not anticipated by *Morriss* under § 102(e), because the amendment incorporates limitations not disclosed by *Morriss*. The Office Action states at page 9, penultimate paragraph, that *Morriss* fails to teach uploading part of the stored data. Since *Morriss* does not disclose every element of amended claim 1, it is respectfully requested that the rejection under § 102(e) be withdrawn.

The other cited references also fail to suggest the limitations of amended claim 1. *Slate* does not teach destroying at least part of the stored data after uploading at least part of the stored data from the mobile terminal. The Office Action rejected claim 11 under § 103(a) over *Morriss* in view of *Cocita*, and further in view of *Slate*. The Office Action acknowledged that both *Morriss* and *Cocita* fail to teach uploading part of the stored data, and relied on *Slate* for this teaching. However, section 3 of *Slate* referred to in the Office Action does not teach uploading stored data from a mobile terminal, but rather teaches uploading data files from a user's "general purpose computer." *Slate's* mobile phones **44** are distinct from *Slate's* general purpose computer **40**, a distinction made in *Slate* at Paragraph 43 and at Figure 1. In *Slate*, the purpose of uploading files from a user's

general purpose computer is so that the user can then download the files to a mobile telephone. *Slate* only mentions downloading files to a mobile telephone, and does not mention uploading files from a mobile telephone. Therefore, the cited reference fails to teach or suggest all the claim limitations of amended claim 1, and Applicant respectfully submits that the rejection should be withdrawn.

Moreover, *Slate* does not disclose destroying data to secure it after upload, as claimed by present amended claim 1. The last sentence in Paragraph 3 of *Slate* does mention automatically deleting data files, but that only applies to files having errors or incompatibilities. There is no suggestion to automatically delete any files for security reasons. Additionally, *Slate* discloses to automatically delete files from a location *to which* they have been uploaded, instead of deleting files from a location *from which* they have been uploaded, as presently claimed (see Paragraph 3 of *Slate* which discusses deleting files from "lockers" to which a data file has been copied).

Furthermore, the rejections should be withdrawn because there is no motivation to combine the teachings of *Morriss* and *Cocita*, with the teachings of *Slate,* even if such a combination included all the limitations of the present claims. *Morriss* and *Cocita* relate to safeguarding the communication functions and data files stored in a mobile device. In contrast, *Slate* relates to an internet based system that provides users with a large variety of data files that can be downloaded to a mobile phone. *Morriss* and *Cocita* address protecting data on a mobile device by deleting it, while *Slate* discloses obtaining data files on a mobile phone by downloading files. There is no suggestion from any of the cited references that it is desirable to upload files before they are deleted. In fact, *Slate* focuses on the retention of files so users will have a large variety of files to download to their mobile phones. Therefore, it would not have been obvious to one of ordinary skill in the art to combine uploading files from a mobile device before those files are deleted in order to secure those files based on the teachings and suggestions of *Morriss*, *Cocita* and *Slate*. In light of the amendments to claim 1, and for the reasons discussed above amended claim 1 is patentable.

Amended Independent Claims 4 and 16 are Patentable

Claims 4 and 16 are amended, and are now in independent form. The Office Action rejected claims 4 and 16 as being unpatentable over *Morriss* in view of *Holmes*. The Office Action acknowledges that *Morriss* fails to teach sending a message in a format that the mobile terminal can support, and relies on *Holmes* for this teaching. Applicant respectfully submits that *Holmes* does not teach or suggest the limitation that a guard message employs synchronization markup language device management if another program of the mobile terminal employs synchronization markup language device management, and otherwise the guard message either employs a smart message implemented as a bearer-independent object or employs wireless access protocol push messaging. Claims 4 and 16 are very similar, and were rejected for the same reasons in the Office Action. Therefore, it is sufficient to focus here on claim 4.

The Office Action refers to column 2, lines 20-34 of *Holmes* as teaching the limitations of claim 4. That portion of *Holmes* discusses a filter within a computer program that detects the type of message being sent, and then determines the most appropriate path. This is very different than the limitations recited in amended claim 4. Amended claim 4 states, as the Office Action points out, that the guard message will be sent to the mobile terminal in a format the mobile terminal can support. However, *Holmes* does not address the format of a message being sent, but instead only discusses which path a message is sent by in a computer program. Therefore, *Holmes* fails to teach sending a guard message in a format that the mobile terminal can support. More specifically, *Holmes* does not teach or suggest employing synchronization markup language, or either a smart message or push messaging. Instead, *Holmes* only teaches the use of different paths to send messages between different parts of a computer program. *Morriss* and *Holmes* fail to teach or suggest all of the claimed limitations, and for this reason alone claim 4 is patentable.

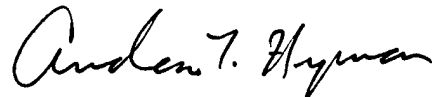## Claim 24 is Patentable Over *Morriss* in view of *Kim*

Although dependent claim 24 is clearly allowable due to the allowability of the amended independent claim from which it depends, a few comments are appropriate.

Present claim 24 requires a mobile terminal including an emergency power supply to power the communication locking mechanism and the data securing mechanism if normal power is disabled. The Office Action states that *Morriss* fails to teach an emergency power supply for a mobile device, and relies on paragraph 12 of *Kim* for this teaching. Paragraph 12 of *Kim* does not teach an emergency power supply, but instead only teaches turning a mobile device on as the result of pushing an emergency button. *Kim* only teaches using the normal operating power source of the device to turn the mobile device back on if the power of the device is off. In contrast, the emergency power supply of present claim 24 supplies a separate power source to the mobile terminal. Therefore, the cited references fail to teach or suggest all of the claim limitations, and present claim 24 would not have been obvious to one of ordinary skill in the.

CONCLUSION

It is earnestly requested that the application be reconsidered, and that the four amended independent claims be allowed, as well as the claims depending therefrom. Applicant respectfully requests that the Examiner please contact Applicant's attorney by telephone, if doing so might facilitate or expedite examination of the present application. It is submitted that early passage of the present claims to issuance would be appropriate according to the relevant statutes and regulations, in view of the novel and useful invention claimed by the present application.

Respectfully submitted,

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